



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, १८ सितम्बर, १९७०/२७ भाद्रपद, १८९२

GOVERNMENT OF HIMACHAL PRADESH

LOCAL SELF GOVERNMENT DEPARTMENT NOTIFICATION

Simla-2, the 7th September, 1970

No. 1-6/70-LSG.—In exercise of the powers conferred by sections 255 and 273 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968), the Administrator (Lieutenant Governor), Himachal Pradesh, proposes to make the following draft rules, entitled as the Himachal Pradesh Municipalities (General) Rules, 1970, and the same are hereby published in the Official Gazette for the information of persons likely to be affected thereby and a notice is hereby given that these draft rules will be taken into consideration after 30 days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objections or has any suggestion to make, regarding these draft rules, he can send the same to the Secretary Local Self Government to Himachal Pradesh Government, Simla-2, before the expiry of the above period. The objections or suggestions, if any, so received, will be taken into consideration before making such rules.

DRAFT RULES

Rules framed under section 255 of the Himachal Pradesh Municipal Act, 1968

Short title and Commencement. 1. (1) These Rules may be called the Himachal Pradesh Municipality (General) Rules, 1970.
(2) They shall come into force with immediate effect.

Definitions. 2. In these rules, unless the context otherwise requires, —
(a) "Committee" means a Municipal Committee or Notified Area Committee or Municipal Corporation;
(b) "Municipality" means a Municipal Committee or Notified Area Committee established by or under the Himachal Pradesh Municipal Act, 1968 or Municipal Corporation established by or under the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, or any other enactment made in this behalf from time to time;
(c) "Competent Authority" means the authority of the municipality competent under the law to take any action against the municipal servants;
(d) "State Government" means the Government of Himachal Pradesh.

Removal of Member, President or Vice-President. 3. (1) The letter containing the proposed removal of a member, president or vice-president as the case may be, required to be issued under section 15 or section 21 of the Himachal Pradesh Municipal Act, 1968 shall be served on the member, president or the vice-president, as the case may be, through a registered letter direct by the State Government and the member, president or the vice-president upon whom the letter is served shall tender the explanation through the Deputy Commissioner, with an advance copy thereof, together with attested copies of the documents accompanying it, if any, so as to reach the Secretary (L.S.G.) to the Government of Himachal Pradesh, within a period of twenty days of the date of despatch of the letter:

Provided that in case the State Government may at any time require to remove the administrator or any member of the corporation on the grounds stated in section 11 of the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, it shall before removal communicate to the administrator or the member, as the case may be, the reasons for his proposed removal and he shall be given an opportunity of tendering an explanation in writing.

(2) The Deputy Commissioner, shall forward the case with his comments, if any, direct to the State Government within a period of fourteen days from the date of receipt of the explanation mentioned in sub-rule (1).

(3) Where the member, president, administrator, or vice-president does not submit the explanation within the specified period, a report to that effect may be made by the Deputy Commissioner to the State Government.

4. (1) In every municipality all the business shall be transacted, proceedings recorded and notices issued in Hindi (Devnagri script):

Provided that a municipality may decide that while issuing agenda, or a notice, its translation, in English, shall be added.

Language in which business is to be transacted, proceedings recorded and notices issued.

Explanation.—The State Government may relax the provisions of sub-rule (1) in suitable cases.

5. (1) No member of a municipality shall be present at or vote or take any other part in any proceedings of a committee or sub-committee relating to a matter in which such member or a parent, or descendent of such member or descendent of any parent of such member, or the husband or wife of such member, or descendent or a parent of the husband or wife of such member, or a descendent of such parent last referred to has a direct or indirect interest.

Member not to take part in proceedings in which they or their relatives are pecuniarily interested.

Note.—A member of municipality, who is a candidate for appointment to the post of Executive Officer, is precluded from being present, or taking part in, or voting at a meeting of the committee if and when the question of the appointment of an Executive Officer is being considered.

(2) No person who is either a parent or descendent of a member of municipality, or a descendent of any parent of such member, or the husband or wife of such member or descendent, or a parent of the husband or wife of such member, or a descendent of any such parent last referred to, shall be appointed as an officer or servant or enlisted as a contractor for undertaking the contract for such municipality, without the previous sanction of the Deputy Commissioner and where the president or the administrator of the municipality is the Deputy Commissioner, the sanction of the State Government shall be taken.

6. No person shall be employed in the service of a municipality,—

Employment in the Service of a municipality.

(a) Unless his character and antecedents are verified before hand by a reference to the Police Department except that in the case of temporary vacancy the previous verification shall be dispensed with and in the case of permanent vacancy relating to technical personnel, the appointment shall be subject to the condition that his character and antecedents shall be verified by the Police.

(b) Where such person was dismissed from the service of Government or a local body, unless previous sanction of the State Government is obtained.

7. Other things being equal the persons holding certificate or diploma from the National Fire Service College, Nagpur, shall be given preference for appointment to an operational post of the Fire Organisation.

Preference to persons holding Diploma from the National Fire Service College Nagpur.

8. No matter shall be included in the agenda for any meeting of a committee or sub-committee, or be discussed at any such meeting, which is not connected with the functions and duties of committee as prescribed by the Himachal Pradesh Municipal Act, 1968 or the Capital of Himachal Pradesh (Development and Regulation) Act, 1968 and it shall be the duty of the president or the administrator or the presiding member to disallow the inclusion in the agenda and to refuse to permit at a meeting the discussion of any such matter:

Matter to be included in the agenda for meeting of a municipality.

Provided that the president or the administrator may, at his discretion,

permit an exception to this rule, if the discussion of such matter appears to him to be in the public interest and not in any way likely to impede the administration, or to promote or encourage lawlessness, or to cause communal discord, or to be for any other reason undesirable.

Proceedings of the meeting of a municipality.

9. The proceedings at each meeting of a committee shall be drawn up and be recorded in a book in the form; appended. The committee shall supply a copy of the proceedings of each meeting to the State Government for information and record, in addition to the copy to be supplied to the Deputy Commissioner under sub-section (2) of section 29 of the Himachal Pradesh Municipal Act, 1968.

Publication of minutes of meeting.

10. An abstract of the minutes of each meeting of a committee, shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the committee and a copy of such abstract shall be supplied to the manager of every newspaper which is published within the limits of the district in which the municipality is situated.

Procedure for administering the oath or affirmation of allegiance.

11. (1) The oath or affirmation of allegiance prescribed in section 23 of the Himachal Pradesh Municipal Act, 1968 or section 14 of the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, shall be administered by the Deputy Commissioner or any other gazetted officer appointed by him in the case of a newly-appointed or newly-elected committee and by the chairman of the meeting in other cases.

(2) The administration of the oath or affirmation under clause (1) of this rule shall be recorded as a part of the proceedings in the minutes of the meeting.

Publication of public notices.

12. (1) In every case in which a public notice is to be given by a municipality in exercise of the powers conferred or in discharge of an obligation imposed by the Himachal Pradesh Municipal Act, 1968 or the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, or by any rule or bye-law made thereunder, such notice shall be published in Form 2, appended, duly filled in the following manner for the purpose of inviting objections and suggestions from the public, viz:—

(a) notice shall be published by proclamation,

(b) a copy of such notice, together with a copy of... it is proposed to make, shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the committee for a period not less than 30 days. The notice and its enclosures shall be displayed and shall specify a date, at least 30 days ahead, by which objections or suggestions should be forwarded to the secretary of the committee,

(c) the notice shall be published by distribution of hand-bills and by publication on the notice boards within the limits of the municipality,

(d) a copy of such notice along with a copy of the draft..... which the committee proposes to make shall be sent to the editors of two news papers, to be selected by the committee for information and use as a news item. The selected newspapers shall be addressed as in Form 3, appended.

(2) When any such proposals after publication by a committee are forwarded for sanction and confirmation to the appropriate authority they shall be accompanied by a statement that the provisions of rule 13 (i) above

have been duly complied with.

Note.—A committee is empowered or required to issue public notices under sections 61, 64, 65, 66 (2), 100, 103, 104, 105, 105(1)(b), 107(b), 148(a), 151, 161(2), 170(2), 179(3) and 190 of the Himachal Pradesh Municipal Act, 1968.

13. (1) In every case in which a Committee proposes to impose any tax under section 60 of the Himachal Pradesh Municipal Act, 1968, or to make bye-laws under any section of the said Act or any rules under any section of the said Act or any rules under any other Act, under which a municipality is empowered to make rules, it shall give notice of its intention in the manner prescribed for the publication of public notices in rule 13 above.

Publication of proposals to impose taxes or to make rules or bye-laws.

Note.—Committees are empowered to make rules under the Hackney Carriage Act, 1879 and the Vaccination Act, 1880.

(2) When any such proposals are forwarded for sanction or confirmation to the appropriate authority, they shall be accompanied by a statement that the provisions of clause (1) of this rule have been complied with.

14. The fee leviable for a notice of demand served under section 82 (2) of the Himachal Pradesh Municipal Act, 1968, whether the notice is served through post or through a process server of the committee shall be the postage charges, payable for a registered letter from time to time.

Fees for notices under section 82(2) of H. P. Municipal Act, 1968.

15. (1) Every municipality shall as soon as possible after the close of each official year, prepare in such forms as may, from time to time, be prescribed by the Local Self Government Department. Such returns as may from time to time be so prescribed with regard to the constitution of the Committee and the accounts of its income, expenditure, balances and liabilities or any other matter, together with a report on the working of the committee in such form as may, from time to time, be so prescribed.

Submission of annual returns statements and reports.

(2) One copy of the returns so prepared shall be submitted direct to the State Government through the Deputy Commissioner by the 15th day of May in each year and a second copy shall be forwarded to the Deputy Commissioner.

(3) The annual report on the working of the committee shall be submitted to the Deputy Commissioner together with the copy of the returns forwarded for submission to the State Government.

16. (1) No committee shall pay to any member travelling allowance on account of a journey undertaken on municipal business unless—

Travelling allowance of members.

(a) in case of a journey performed within the district in which the municipality is situated or of a journey to a place outside such district the travelling allowance payable in respect of which does not exceed fifty rupees, the Committee has passed a resolution sanctioning the undertaking of such journey, and

(b) in the case of any other journey, the previous sanction of the Deputy Commissioner has been obtained for such journey to be undertaken.

(2) The travelling allowance payable shall not exceed the amount that would have been payable in respect of the journey had such a member been Government servant in Grade II establishment of the State Government,

as defined in the F.R. and S.R. for purposes of travelling allowance.

(3) If on a report of the auditors, Government consider that any unnecessary journey has been undertaken, the members of the Committee, who sanctioned it, will be held responsible to make good the amount paid as travelling allowance.

Grant of
advances
for purchase
of motor
car or
motor or
motor cycles.

17. (1) A municipality, which, with the sanction of the State Government has under section 51 (2) (b) of the Himachal Pradesh Municipal Act, 1968, declared the grant of advances for the purchase of a motor car, motor cycle or cycle to its employees to be an appropriate charge on the Municipal Fund, shall, so far as may be, grant such advance in accordance with the rules regulating and on the conditions laid down for the grant of such advances by State Government to Government servants.

(2) No municipal committee shall grant an advance for the purchase of a motor car, motor cycle or cycle to any of its employees without the previous sanction in each case of the Deputy Commissioner.

Annuities,
leave
allowance
etc., of
municipal
employees
not to
exceed
Government
rate.

18. No annuity or gratuity on retirement and no leave, absentee or acting allowances to any officer paid from a Municipal Fund shall without the express sanction of the State Government exceed what would be admissible under the rules which apply to an officer paid from general revenues.

Note.—A municipal servant committed to prison either for debit or on criminal charge should be considered to be under suspension from the date of his arrest, and should not be allowed to draw any pay until the termination of the proceedings against him when an adjustment of these allowances should be made according to the circumstances of the cases. The full amount should be given only in the event of the municipal servant being acquitted of blame or (if the imprisonment was for debt) of its being proved that the officer's liability arose from circumstances beyond his control, otherwise not more than half should be given and that only with the previous sanction of the State Government.

Termination
of appoint-
ment at
the age of
58.

19. (1) Every committee should terminate the appointment of every servant of the committee upon his attaining the age of 58 years in the case of superior servants and sixty years in the case of inferior servants. He must not be retained in service after that age except in exceptional circumstances on public grounds which must be recorded in writing, with the prior approval of the State Government, which should be obtained before hand:

Provided that the Deputy Commissioner or the Sub-Divisional Officer may without the approval of the State Government sanction the re-employment of a patwari or kanungo by the committee for a period of six months on pay fixed in such manner that on re-employment, it does not exceed the pay which the re-employed person would have got had he been re-employed under State Government.

(2) Notwithstanding contained in this rule the competent authority shall, if it is of the opinion that it is in the public interest to do so have the absolute right to retire any servant of the municipality after he has attained the age of fifty-five years by giving him notice of not less than three months in writing.

(3) Any servant of the municipality may, by giving notice of not less than three months in writing to the competent authority, retire from service after he has attained the age of fifty-five years:

Provided that nothing in this clause shall apply to a class IV servant.

It shall be open to the competent authority to withhold permission to a servant under suspension who seeks to retire under this clause.

(4) For the purpose of clause (b) of rule 20 it will be necessary to determine if retention of a servant of the committee beyond the age of 55 years will be in public interest. It is hereby laid down that the following procedure should be observed:—

(i) The case of the Municipal servant concerned should be reviewed six months before he attains the age of 55 years and decision taken thereon by the competent authority.

(ii) Once decision has been taken by the competent authority to retain municipal servant beyond the age of 55 years in public interest, the employee concerned will continue in service automatically till he attains the age of compulsory retirement i.e. upto the age of 58 years. If, however, the competent authority subsequently considers that further retention of the municipal servant will not be, in public interest, that authority may take necessary action to serve three months notice in terms of clause (b).

20. Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the municipalities to whom these rules apply are hereby repealed:

Repeal and
Saving.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM 1

Title page.—Proceedings Book of Municipal Committee/Corporation.

Inside Top.—(1) Proceedings of the Special/Ordinary Meeting held on.

(2) Name of Members and Advisors present:—

.....
.....
.....

Body	Serial No. of the item	Business trans- acted as per agenda or on a requisition	Advice if given by the advisors	Resolution of the Committee
1	2	3	4	5

FORM 2 NOTICE

Municipal Committee/Corporation.....
Whereas by resolution No..... of.....
.....19 , the Municipal Committee/Corporation of.....

proposes to make.....under the provisions of sections....
..... of the Himachal Pradesh Municipal Act, 1968,
for the purpose of....., it is hereby notified for general infor-
mation that the proposed..... will be taken into
consideration by the Municipal Committee/Corporation, after the lapse of
thirty days from the date of this notice. All persons affected by or interested
in the draft.....are invited to forward their
objections or suggestions to the undersigned by the.....
of.....19 .

For the convenience of the public copies of the draft.....
have been displayed at the conspicuous place at the headquarters of the Tehsil
concerned and at the meeting place of the Committee.

Dated... ..19 . Secretary,
Municipal Committee/Corporation.

FORM 3

From

The Secretary, Municipal Committee/Corporation

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To

The Editor,

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Dated.....19 .

Sir,

I am directed to forward herewith a copy of notice along with a copy
of the draft which the Committee/Corporation propose to make, for infor-
mation or use as a news item.

Yours faithfully,

Secretary.

By order,

D. B. LAL,
Secretary.